GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:3032
ANSWERED ON:20.03.2007
CRIMINAL JUSTICE SYSTEM
Prasad Shri Hari Kewal;Scindia Shri Jyotiraditya Madhavrao

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government proposes to improve criminal justice system in the country ;

(b) if so, whether the Government has constituted Justice Malimath committee in this regard alongwith the details of the meetings held;

(c) if so, the recommendations made by Justice Malimath in this regard;

(d) whether the Government has accepted/examined all the recommendations made by Justice Malimath including security to witness to ensure free and fair evidence;

(e) if so, the details thereof;

(f) whether the Government has any proposal to amend the criminal justice system; and

(g) if so, the details thereof ?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI S. REGUPATHY)

(a)to(g) : A statement is attached

STATEMENT AS REFERRED TO IN REPLY TO PARTS (a) TO (g) OF L.S.US.QNO.3032 FOR 20.03.2007

(a) : Yes, Sir.

(b) : The Government constituted Justice Malimath Committee to suggest measures to revamp the criminal justice system in the country. The Committee organized Seminars in Chennai, Jaipur, Mumbai and Delhi.

(c) : The Committee made 158 recommendations to reform the criminal justice system with a view to ensuring that every innocent person is protected and every guilty person is punished with utmost expedition.

(d)&(e) Advisories were issued to State Governments with regard to those recommendations, which were to be implemented through administrative measures.

As regards those recommendations which require amendment to various laws and also for enacting a law for giving protection to the witnesses, views/ comments of State Governments/UT Administrations have been sought as the Criminal Law and the Criminal Procedure are on the Concurrent List of the Seventh Schedule to the Constitution of India.

(f)to (g) : On the basis of recommendations of the Law Commission of India in its 154th , 177th and 178th Reports, the Government introduced the Code of Criminal Procedure (Amendment) Bill, 2006 on 23rd August, 2006 in the Rajya Sabha. The Highlights of the Bill are:-

Audio/Video recording of statements of witnesses and accused before the Police and the court;

Steps to curb the practice of witnesses turning hostile, by recording the statement of material witness by Magistrate;

Summary trial and higher sentence for perjury;

Allowing the victim to appeal against the adverse judgment;

Issuing notice of appearance before arrest;

Right of arrested persons to have advocate during investigation;

The female accused should not be touched by male police officers;

Criminal Courts to take bail bond before the conclusion of the trial or disposal of the appeal, requiring the accused to appear before the next appellate court;

Definitions of summons and warrant cases should be modified so that all offences with imprisonment of term exceeding 3 years should only come under the warrant cases;

All summon cases should be tried summarily;

More IPC offences should be made compoundable without the permission of the court;

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Comprehensive scheme for compensation to victims;

Providing relief to the persons of unsound mind during inquiry and trial;

Special protection in respect of women;

`In camera` trial to be preferably conducted by a woman judge for sexual offences ;

The accused should be medically examined soon after the arrest.